



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,409	06/05/2006	Kazuhiro Suga	127521	2951
25944 7590 07/08/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
COMSTOCK, NATHAN				
ART UNIT		PAPER NUMBER		
4132				
MAIL DATE		DELIVERY MODE		
07/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/573,409

**Applicant(s)**

SUGA ET AL.

**Examiner**

NATHAN E. COMSTOCK

**Art Unit**

4132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 07/17/2006, 03/27/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to a decorating sheet.

Group II, claim(s) 9-12, drawn to an injection mold decorating method.

4. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I and II share the common and/or corresponding technical features of a transparent resin substrate sheet, and a glossy layer, wherein the transparent resin substrate sheet has high-gloss portions with relatively high gloss and low-gloss portions with relatively low gloss on the front surface and the transparent resin substrate sheet is relatively thick at the high-gloss portions and relatively thin and the low-gloss portions, and a resin molded product on the back surface of the decorating sheet.
5. However, in order to be considered a common special technical feature, any such feature must be novel and non-obvious. The above described technical features are not novel and non-obvious. Japanese Kokai Pub. No. 07-009650A (of which the Examiner is using the attached machine translation as a translation) discloses a decorated molded product (grain tissue 1,

paragraph [0008], FIG. 3) comprising: a decorating sheet (layers 3, 4, 5, and 6, FIG. 3), and a resin molded product (paper 2, paragraph [0008]: paper 2 can be a synthetic resin) produced on the back surface of the decorating sheet (paragraph [0008]), the decorating sheet comprising: a transparent resin substrate sheet (gloss adjustment layer 6, paragraph [0012], FIG. 3), and a glossy layer (coloring layer 3, paragraph [0009], FIG. 3) formed on the back surface of the transparent resin substrate sheet (FIG. 3), the front surface of the transparent resin substrate sheet being divided into high-gloss portions (unembossed portions of layer 6, FIG. 3), and low-gloss portions (embossed portions of layer 6, FIG. 3), the thickness of the transparent resin substrate sheet being relatively great at the high-gloss portions (FIG. 3) and relatively small at the low-gloss portions (FIG. 3) so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin substrate sheet on the high-gloss portions and that on the low-gloss portions (FIG. 3 and paragraph [0038]).

6. The '650 Publication does not explicitly disclose that the high gloss portions have relatively high gloss and the low gloss portions have relatively low gloss. The '650 Publication does teach the use of embossing to vary the gloss of the surface layer (paragraphs [0003] and [0014]). Additionally, it is clear from FIG. 3, that the embossed portions have a higher surface roughness than the unembossed portions, which would impart a lower gloss. Therefore, the high gloss unembossed portions would inherently have a relatively high gloss and the low gloss embossed portions would inherently have a relatively low gloss.

7. Because all of the common technical features between groups I and II are disclosed within the prior art, such common technical features cannot be special technical features under PCT Rule 13.2. As a result, the claims corresponding to Groups I and II lack unity of invention.

8. During a telephone conversation with Applicants' representative, Lisa Tsang, on June 10, 2009, a provisional election was made with traverse to prosecute the invention of group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

10. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

11. In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined

claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained.

Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoiner in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoiner.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

*Claim Rejections - 35 USC § 102*

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Kokai Pub. No. 07-009650A (of which the Examiner is using the attached machine translation as a translation).

14. With respect to claim 1, the '650 Publication discloses a decorating sheet (grain tissue 1, paragraph [0008], FIG. 3) comprising: a transparent resin substrate sheet (gloss adjustment layer 6, paragraph [0012], FIG. 3), and a glossy layer (coloring layer 3, paragraph [0009], FIG. 3)

formed on the back surface of the transparent resin substrate sheet (FIG. 3), the front surface of the transparent resin substrate sheet being divided into high-gloss portions (unembossed portions of layer 6, FIG. 3), and low-gloss portions (embossed portions of layer 6, FIG. 3), the thickness of the transparent resin substrate sheet being relatively great at the high-gloss portions (FIG. 3) and relatively small at the low-gloss portions (FIG. 3) so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin substrate sheet on the high-gloss portions and that on the low-gloss portions (FIG. 3 and paragraph [0038]).

15. The '650 Publication does not explicitly disclose that the high gloss portions have relatively high gloss and the low gloss portions have relatively low gloss. The '650 Publication does teach the use of embossing to vary the gloss of the surface layer (paragraphs [0003] and [0014]). Additionally, it is clear from FIG. 3, that the embossed portions have a higher surface roughness than the unembossed portions, which would impart a lower gloss. Therefore, the high gloss unembossed portions would have a relatively high gloss and the low gloss embossed portions would have a relatively low gloss. Claim 1 is therefore rejected as anticipated by the cited prior art.

16. With respect to claim 2, the '650 Publication further discloses a decorative layer (woodgrain pattern layer 5, paragraph [0008] and FIG. 3) that does not fully opacify the glossy layer (paragraph [0011]) between the transparent resin substrate sheet and the glossy layer (FIG. 3). Therefore, claim 2 is also rejected

17. With respect to claim 3, the '650 Publication further discloses a backing sheet (paper 2, paragraph [0008]) made from a thermoplastic resin (paragraph [0008]: paper 2 may be made of

synthetic resin) provided on the back surface of the glossy layer (FIG. 3). Therefore, claim 3 is also rejected

18. With respect to claim 6, the '650 Publication discloses a decorated molded product (grain tissue 1, paragraph [0008], FIG. 3) comprising: a decorating sheet (layers 3, 4, 5, and 6, FIG. 3), and a resin molded product (paper 2, paragraph [0008]: paper 2 can be a synthetic resin) produced on the back surface of the decorating sheet (paragraph [0008], FIG. 3), the decorating sheet comprising: a transparent resin substrate sheet (gloss adjustment layer 6, paragraph [0012], FIG. 3), and a glossy layer (coloring layer 3, paragraph [0009], FIG. 3) formed on the back surface of the transparent resin substrate sheet (FIG. 3), the front surface of the transparent resin substrate sheet being divided into high-gloss portions (unembossed portions of layer 6, FIG. 3), and low-gloss portions (embossed portions of layer 6, FIG. 3), the thickness of the transparent resin substrate sheet being relatively great at the high-gloss portions (FIG. 3) and relatively small at the low-gloss portions (FIG. 3) so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin substrate sheet on the high-gloss portions and that on the low-gloss portions (FIG. 3 and paragraph [0038]).

19. The '650 Publication does not explicitly disclose that the high gloss portions have relatively high gloss and the low gloss portions have relatively low gloss. The '650 Publication does teach the use of embossing to vary the gloss of the surface layer (paragraphs [0003] and [0014]). Additionally, it is clear from FIG. 3, that the embossed portions have a higher surface roughness than the unembossed portions, which would impart a lower gloss. Therefore, the high gloss unembossed portions would inherently have a relatively high gloss and the low gloss



embossed portions would inherently have a relatively low gloss. Therefore, claim 6 is also rejected

20. Claims 1, 2-4, and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,530,856 to Kauffman et al.

21. With respect to claim 1, Kauffman discloses a decorating sheet (decorative laminate 10, col. 2, lines 13-37, FIG. 1) comprising: a transparent resin substrate sheet (top layer 17, col. 2, lines 13-37), and a glossy layer (printed image 12, FIG. 1, col. 2, lines 16-37) formed on the back surface of the transparent resin substrate sheet (FIG. 1), the front surface of the transparent resin substrate sheet being divided into high-gloss portions with relatively high gloss and low-gloss portions with relatively low gloss (col. 9, lines 12-59), the thickness of the transparent resin substrate sheet being relatively great at the high-gloss portions and relatively small at the low-gloss portions (col. 9, lines 12-59, and FIGS. 1-3: the high gloss portions, i.e. where there are no PVC particles, are thicker than the portions with particles) so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin substrate sheet on the high-gloss portions and that on the low-gloss portions (This would inherently occur given the structural make-up of the sheets because the top layer 17 is clear, and the gloss differential aids in the perception of depth). Therefore, claim 1 is rejected as anticipated by the cited prior art.

22. With respect to claim 3, Kauffman further discloses a backing sheet (substrate 11, FIG. 1) made from a thermoplastic resin (col. 2, lines 54-57: substrate may be synthetic, col. 3, lines 3-35: substrate 11 may be impregnated with various resins, col. 3, lines 36-61: layer may be

molded having resin seal coats, molded via techniques such as doctor blade roller coating) provided on the back surface of the glossy layer (FIG. 1). Therefore, claim 3 is also rejected

23. With respect to claim 4, Kauffman discloses that the back surface of the transparent resin substrate sheet has protrusions protruding toward the back surface side, in the positions corresponding to the high-gloss portions (col. 9, lines 12-59 and FIGS. 1-3). Therefore, claim 4 is also rejected

24. With respect to claim 6, Kauffman discloses a decorated molded product (decorative laminate 10, col. 2, lines 16-37 and FIG. 1) comprising: a decorating sheet (decorative laminate 10 without substrate 11, col. 2, lines 16-37, FIG. 1), and a resin molded product (substrate 11, FIG. 1, col. 2, lines 54-57: substrate may be synthetic, col. 3, lines 3-35: substrate 11 may be impregnated with various resins, col. 3, lines 36-61: layer may be molded having resin seal coats, molded via techniques such as doctor blade roller coating) produced on the back surface of the decorating sheet (FIG. 1), the decorating sheet comprising: a transparent resin substrate sheet (top layer 17, col. 2, lines 13-37), and a glossy layer (printed image 12, col. 2, lines 16-37, FIG. 1) formed on the back surface of the transparent resin substrate sheet (FIG. 1), the front surface of the transparent resin substrate sheet being divided into high-gloss portions with relatively high gloss and low-gloss portions with relatively low gloss (col. 9, lines 12-59), the thickness of the transparent resin substrate sheet being relatively great at the high-gloss portions and relatively small at the low-gloss portions (col. 9, lines 12-59, and FIGS. 1-3: the high gloss portions, i.e. where there are no PVC particles, are thicker than the portions with particles) so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin

substrate sheet on the high-gloss portions and that on the low-gloss portions (This would inherently occur given the structural make-up of the sheets because the top layer 17 is clear, and the gloss differential aids in the perception of depth). Therefore, claim 6 is also rejected

25. With respect to claim 7, Kauffman discloses that the back surface of the transparent resin substrate sheet has protrusions in the positions corresponding to the high-gloss portions of the front surface of the transparent resin substrate sheet (col. 9, lines 12-59 and FIGS. 1-3), and the high-gloss portions are flat (FIGS 1-3). Therefore, claim 7 is also rejected

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

28. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(c), (f) or (g) prior art under 35 U.S.C. 103(a).

29. Claims 1 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Kokai Pub. No. 2001-047582A (of which the Examiner is using the attached machine translation as a translation) in view of Japanese Kokai Pub. No. 07-009650A (of which the Examiner is using the attached machine translation as a translation).

30. With respect to claims 1 and 5, the '582 Publication discloses a decorating sheet (makeup sheet 1, paragraph [0014] comprising: a transparent resin substrate sheet (hyaline layer 4 and surface protection layer 6 (which constitutes base film 16, hard court film 17, and adhesive layer 18), paragraphs [0014] and [0022], FIG. 2), and a glossy layer (printed pattern layer 3, paragraph [0016] and FIG. 2) formed on the back surface of the transparent resin substrate sheet (FIG. 2), and that the transparent resin substrate sheet (layers 16, 18 and 4, FIG. 2) is composed of a first transparent resin substrate sheet on the front surface side (layer 16) and a second transparent resin substrate sheet on the back surface side (layer 4), the first transparent resin substrate sheet is made from a crystalline resin (crystalloid polyester resin system mixed with PET, paragraph [0048]), the second transparent resin substrate sheet is made from a non-crystalline resin (amorphous PET, paragraphs [0046] and [0090]).

31. The '582 publication does not explicitly disclose that the melting point of the first transparent resin substrate sheet is higher than the softening point of the second transparent resin

substrate sheet. However, the materials used in the '582 publication would inherently possess the claimed relationship.

32. Specifically, the first layer comprises a blend of Eastman Eastar PETG6763, which has a melting point of between 250 and 270 degrees Celsius (See Matweb Eastman Eastar 6763 PETG Copolyester, page 2), and Polyplastics Duranex 600KP, which has a melting point of 185 degrees Celsius (See Development of PBT Resin to film applications, page 8). The blend of these two chemicals would have a melting point between the two constituents, i.e. At least 185 degrees Celsius.

33. While the 'translation of the '582 publication is not perfectly clear as to the identity of the second compound, it does note that the material is a Polyplastics product, having a trade name which translates to JURANEKKUSU 600KP. Additionally, U.S. Patent No. 6,984,440 to Saito et al., the same inventors as the '582 Publication, describes an identical dual layer film (See col. 9, lines 25-40) wherein the second compound is identified as "Geranex 600KP" and having the same prepolymers (i.e. 1,3, butandiol, terephthalic acid, and isophthalic acid) in the same proportions). This material is understood to be Polyplastics's Duranex® 600KP.

34. The second layer comprises solely Eastman Eastar PETG6763, which has a Vicat softening point of 74 degrees Celsius (See Matweb Eastman Eastar 6763 PETG Copolyester, page 2). Thus, the melting point of the first transparent resin substrate sheet would have been higher than the softening point of the second transparent resin substrate sheet.

35. The '582 Publication also does not disclose that the front surface of the transparent resin substrate sheet being divided into high-gloss portions with relatively high gloss and low-gloss portions with relatively low gloss, the thickness of the transparent resin substrate sheet being

relatively great at the high-gloss portions and relatively small at the low-gloss portions so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin substrate sheet on the high-gloss portions and that on the low-gloss portions.

36. The '650 Publication discloses a decorating sheet (grain tissue 1) having a transparent resin substrate sheet (gloss adjustment layer 6, paragraph [0012] and FIG. 3) wherein the front surface of the transparent resin substrate sheet being divided into high-gloss portions (unembossed portions of layer 6, FIG. 3) with relatively high gloss, and low-gloss portions (embossed portions of layer 6, FIG. 3) with relatively low gloss, the thickness of the transparent resin substrate sheet being relatively great at the high-gloss portions (FIG. 3) and relatively small at the low-gloss portions (FIG. 3) so that the decorating sheet provides a pattern that is visually sensed as if it were a three-dimensional pattern with protrusions and depressions that correspond to the thickness of the transparent resin substrate sheet on the high-gloss portions and that on the low-gloss portions (FIG. 3 and paragraph [0038]).

37. The '650 Publication does not explicitly disclose that the high gloss portions have relatively high gloss and the low gloss portions have relatively low gloss. The '650 Publication does teach the use of embossing to vary the gloss of the surface layer (paragraphs [0003] and [0014]. Additionally, it is clear from FIG. 3, that the embossed portions have a higher surface roughness than the unembossed portions, which would impart a lower gloss. Therefore, the high gloss unembossed portions would have a relatively high gloss and the low gloss embossed portions would have a relatively low gloss.

38. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the embossing of the surface layer of the '650 Publication forming higher gloss thick portions and lower gloss thinner portions into the decorating sheet of the '582 Publication. It would have been obvious to one of ordinary skill in the art to do so in order to impart into the decorating sheet of the '582 Publication a pattern causing the perception of a three-dimensional pattern ('650 Publication, paragraph [0038]). Therefore, claims 1 and 5 are rejected as obvious over the cited prior art.

39. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,530,856 to Kauffman et al. in view of Japanese Kokai Pub. No. 07-009650A (of which the Examiner is using the attached machine translation as a translation).

40. With respect to claim 8, Kauffman discloses a decorative laminate as described with respect to the 35 U.S.C. §102(b) rejection of claim 6 as being anticipated by Kauffman, *supra*, wherein the back surface of the transparent resin substrate sheet has protrusions in the positions corresponding to the high-gloss portions of the front surface of the transparent resin substrate sheet (col. 9, lines 12-59 and FIGS. 1-3).

41. Kauffman does not explicitly disclose that the high-gloss portions are convex. However, the '650 Publication discloses that various surface contours can be embossed into a surface in order to provide texture effects to the overall article, and that thickening the article in high gloss portions can improve the appearance of depth (Paragraphs [0014] and [0038]).

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to thicken the high gloss portions of Kauffman in order to increase the appearance of depth of the pattern, while maintaining the smooth surface profile of the high gloss regions, to maintain the

gloss differential. One of ordinary skill in the art would have been motivated to do so in order to increase the feeling of depth caused by the high-gloss region and to create a raised texture on the high gloss region ('650 Publication, paragraphs [0014] and [0038]). Therefore, claim 8 is rejected as obvious over the cited art.

### *Conclusion*

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. COMSTOCK whose telephone number is (571) 270-1133. The examiner can normally be reached on Monday through Thursday, 8am-5pm Eastern Standard Time.

44. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael LaVilla can be reached on (571) 272-1539. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



45. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N.E.C./  
Nathan E. Comstock  
Patent Examiner, Art Unit 4132  
04 July 2009

/Michael La Villa/  
**Michael La Villa**  
**Supervisory Patent Examiner, Art Unit 4132**  
**5 July 2009**